

Trustee Resolution

KOCH - MARCELINAS CREEK OIL SPILL, KARNES COUNTY, TEXAS

Department of the Interior

Fund Account #0186

WHEREAS, the settlement funds jointly recovered by the Texas Parks and Wildlife Department ("TPWD"), the Texas Commission on Environmental Quality ("TCEQ"), the Texas General Land Office ("GLO") (collectively "the State Trustees") and the United States Department of the Interior represented by the United States Fish and Wildlife Service ("USFWS"), (collectively, "the Trustees") having been deposited with due process from the settlement agreement for natural resource damages associated with the Koch – Marcelinas Creek Oil Spill, Karnes County Texas;

WHEREAS, pursuant to the Consent Decree, Defendant Koch is required to pay \$770,000 total, of which \$104,521.90 is required to be sent from Koch directly to the State Trustees for past assessment costs; \$49,119.46 is required to be sent from Koch directly to the Federal Trustee for past assessment costs; and \$616,358.58 is required to be paid by Koch to the United States via FedWire Electronic Funds Transfer, referencing Civil Action Number and DOJ Case No 90-5-1-1-10848, and deposited in the DOI's Natural Resource Damage Assessment and Restoration (NRDAR) Fund, Account No. 0186, Site name: Koch-Marcelinas Creek Oil Spill, Karnes County, Texas ("Account").

WHEREAS, the Trustees by unanimous consent (see signatures of the Trustee representatives), agree that the following is an appropriate distribution of funds from the Account:

An amount of \$616,358.58, necessary to acquire and preserve property as further detailed in the "Damage Assessment and Restoration Plan for the Koch – Marcelinas Creek Oil Spill, Karnes County ("the Project"), and to cover any outstanding costs, shall be disbursed, payable to the Texas Treasury Safekeeping Trust Company. It shall be electronically wired to the Texas Treasury Safekeeping Trust Company according to the following instructions:

RECEIVER: TEX COMPT AUSTIN

ABA Routing Number: 114900164

BNF: TTSC AC 440474001

REF: Natural Resource Trustees – Koch Restoration Account

WHEREAS, any funds not used by the TPWD and the State Trustees for implementation, monitoring, management and oversight of the Project described above are to remain in the Texas Treasury Safekeeping Trust Company Account to be used to compensate the Trustees for costs

not yet reimbursed, according to the following percentages: USFWS 31.97%; TPWD 19.13%; TCEQ 40.67%; TGLO 8.23%, up to the total costs incurred by each individual trustee.

WHEREAS, funds electronically wired to the Texas Treasury Safekeeping Trust Company will be held by the State Trustees until the Damage Assessment and Restoration Plan (DARP) is finalized after public review and comment, after which the funds will be utilized to implement the selected preferred restoration alternative identified in the Final DARP.

NOW THEREFORE BE IT RESOLVED that the Koch Marcelinas Creek Trustee Council agrees by unanimous consensus that the above-described funds should be withdrawn from the Account and distributed for the purposes set out above, in accordance with law.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

By:   
Signature of Trustee Council Member

Richard Seiler  
Printed Name

Program Manager,  
Natural Resource Trustee Program  
Title

10-20-15  
Date

**TEXAS GENERAL LAND OFFICE**

By:

  
Signature of Trustee Council Member

Angela Sunley

Printed Name

Director of Natural Resource Damage  
Assessment Trustee Program

Title

10-20-2015

Date

**TEXAS PARKS AND WILDLIFE DEPARTMENT**

By:   
Signature of Trustee Council Member

Don Pitts  
Printed Name

Director, Environmental Assessment,  
Response and Restoration Program  
Title

10/20/2015  
Date

**UNITED STATES FISH AND WILDLIFE SERVICE**

on behalf of the Department of the Interior

By:

  
\_\_\_\_\_  
Signature of Trustee Council Member

Benjamin N. Tuggle  
\_\_\_\_\_  
Printed Name

Director, Southwest Region  
\_\_\_\_\_  
Title

OCT 28 2015  
\_\_\_\_\_  
Date